



05-06-04

1761

Atty. Dkt. No. 053093-0127

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Brian Schmitz et al.

Title: FOOD PRODUCT PORTIONING

Appl. No.: 09/965,344

Filing Date: 09/27/2001

Examiner: George Chan Pui Yeung

Art Unit: 1761

**CERTIFICATE OF EXPRESS MAILING**  
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EV 431582236 US 5/5/04  
(Express Mail Label Number) (Date of Deposit)

Carolyn Simpson

(Printed Name)

(Signature)

**AMENDMENT TRANSMITTAL**

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

[ X ] The fee required for additional claims is calculated below:

	Claims As Amended	Previously Paid For	Extra Claims Present	Rate	Additional Claims Fee
Total Claims:	27	-	29	= 0 x \$18.00	= \$0.00
Independent Claims:	8	-	8	= 0 x \$86.00	= \$0.00
				First presentation of any Multiple Dependent Claims: + \$290.00	= \$0.00
				CLAIMS FEE TOTAL	= \$0.00

[ ] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[ ] Extension for response filed within the first month:	\$110.00	\$0.00
[ ] Extension for response filed within the second month:	\$420.00	\$0.00
[ ] Extension for response filed within the third month:	\$950.00	\$0.00
[ ] Extension for response filed within the fourth month:	\$1,480.00	\$0.00
[ ] Extension for response filed within the fifth month:	\$2,010.00	\$0.00
	EXTENSION FEE TOTAL:	\$0.00
[ ] Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$110.00	\$0.00
	CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:	\$0.00
[ ]	Small Entity Fees Apply (subtract ½ of above):	\$0.00
	TOTAL FEE:	\$0.00

[ X ] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date

5/5/04

By

  
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Atty. Dkt. No. 053093-0127

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Brian Schmitz et al.

Title: FOOD PRODUCT PORTIONING

Appl. No.: 09/965,344

Filing Date: 10/28/1999

Examiner: George Chan Pui Yeung

Art Unit: 1761

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EV 431582236 US 5/5/04  
(Express Mail Label Number) (Date of Deposit)

Carolyn Simpson

(Printed Name)

*Carolyn Simpson*

(Signature)

**AMENDMENT AND REPLY UNDER 37 CFR 1.111**

Mail Stop AMENDMENT  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This communication is responsive to the First Office Action mailed on February 10, 2004, concerning the above-referenced patent application.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this document.

**Remarks/Arguments** begin on page 9 of this document.

Please amend the application as follows: